



## Senate

General Assembly

**File No. 552**

February Session, 2018

Substitute Senate Bill No. 512

*Senate, April 17, 2018*

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING ACCESS TO MEDIA RECORDINGS AND RECORDS OF THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL OR THE PSYCHIATRIC SECURITY REVIEW BOARD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2018*) Notwithstanding any
- 2 provision of the general statutes concerning the confidentiality of
- 3 records, information and media relating to the Department of Mental
- 4 Health and Addiction Services, Connecticut Valley Hospital or the
- 5 Psychiatric Security Review Board, (1) any media recording of an
- 6 acquittee, as defined in section 17a-580 of the general statutes, at the
- 7 Connecticut Valley Hospital or at any other facility that is operated or
- 8 administered by, or under a contractual arrangement with, the
- 9 Department of Mental Health and Addiction Services or the
- 10 Psychiatric Security Review Board shall be disclosable to the counsel
- 11 for the acquittee with the acquittee's consent, and (2) any record
- 12 maintained by said department, hospital or board concerning the

- 13 acquittee shall be disclosable to the counsel for the acquittee with the  
14 acquittee's consent.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2018</i>	New section
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***Statement of Legislative Commissioners:***

In Section 1, ", as defined in section 17a-580 of the general statutes," was added after the first occurrence of "acquittee" for clarity.

***JUD***      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill has no fiscal impact as it allows for the disclosure of certain information with an acquittee's consent.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 512*****AN ACT CONCERNING ACCESS TO MEDIA RECORDINGS AND RECORDS OF THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL OR THE PSYCHIATRIC SECURITY REVIEW BOARD.*****SUMMARY**

This bill makes certain records disclosable to the attorney for an acquittee (i.e., a person found not guilty of a crime by reason of mental disease or defect), if the acquittee consents. Specifically, it applies to:

1. media recordings of the acquittee at Connecticut Valley Hospital (CVH) or any other facility operated or administered by, or under contract with, the Department of Mental Health and Addiction Services (DMHAS) or the Psychiatric Security Review Board (PSRB), and
2. records about the acquittee maintained by CVH, DMHAS, or the PSRB.

The bill applies notwithstanding any other laws on the confidentiality of records, information, and media relating to these entities.

Existing law allows a mental health facility to refuse to disclose to a patient portions of his or her records if it determines, among other things, that disclosure would (1) constitute an invasion of someone else's privacy or (2) cause a severe deterioration in the patient's mental state. This law does not apply if the disclosure request concerns hospitalization-related litigation. An aggrieved patient may contest the nondisclosure in court (CGS § 17a-548(b)).

EFFECTIVE DATE: October 1, 2018

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2018)